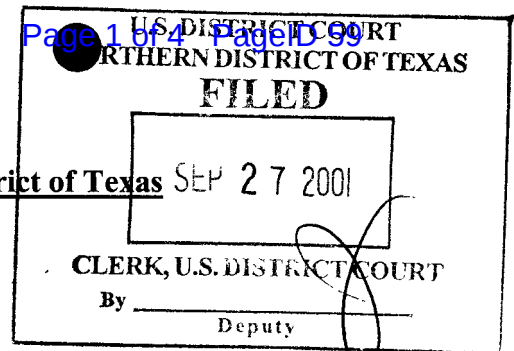


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In the United States District Court for the Northern District of Texas
Dallas Division



(USA and)
Jamal Elhaj-Chehade
Co- plaintiff

Vs.
Educational Commission for Foreign Medical Graduates
(entities and individuals) defendants

3:01-CV-01301-L

Plaintiff's motion to answer out of time to the defendants status filing and response to motion to Extricate as follow

September 26, 2001

Comes now on this date the plaintiff is filing his motion to answer out of time to the defendants filings as follow:

- 1- the plaintiff did file a motion to extricate and to discuss before judge and the defendants the plan for settlement
- 2- any ruling upon any motion must be done after the hearing the conference settlement and not before it, and such conference to be scheduled preferably on a Friday or any weekday in the afternoon. And in which the plaintiff will present the evidences and as requested (to grant him his winning in all his cases).
- 3- the plaintiff motion to extricate the non federal claims are limited solely to the claim that are not directly connected to the federal claims such as under the public nuisance act of Texas. All others that are connected to the federal claims must remain joint to the federal claims and the plaintiff is appealing the ruling of the court upon the change of venue. The court must accept jurisdiction because they arise out of common cause of action. And that the motion to extricate does not mean a waiver, but a way that the plaintiff may bring such claims at a later date in this or in another court.
- 4- The claims of fraud and deception and corruption are also federal claims joined to the violation of 501(3)© (historically the reliefs for such claims are not subject to double jeopardy and the plaintiff is entitled to seek relief under state laws in state courts and federal laws in federal courts for the cause of fraud. And thereby the fraud is a part of violation of the defendants contract(Federal claim) in that the defendants did not comply with their obligations under the federal laws of contracts.
- 5- The plaintiff properties are protected by state laws and the US Constitution such as under the new ruling in Napster case.
- 6- Double jeopardy cause an aggravation of preexisting conditions and aggravation of emotional distress for which reliefs in all forms(including retrospective) are awarded and constitute aggravated and deliberate.
- 7- The defendants status report is misleading in all of it to the court and the plaintiff is demanding that the court must allow the plaintiff to present the evidences under FRCP and other wiseand in the presence of the defendants.
- 8- The new evidences prove the old case and the new ones. And the court must allow such evidences be introduced in the front of the defendants.

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- 9- The plaintiff asserts that judge Boyle was under the influence when it rendered her judgment(jointly) in the case 3:99CV 680-D/BC and the plaintiff is demanding a rehearing in the matter. The case was tampered and fabricated by the previous judges and Judge Boyle refused to correct it and went on to fabricate the proceedings into he defendants favor. The plaintiff wishes that all cases be consolidated and he would give Judge Boyle another chance to correct the damage.
- 10- The plaintiff asserts that the deposition of the defendants must be taken including that of Dr Nancy Gary, there are Millions of dollars that are missing or unaccounted and others are misused or used in violations of the US Laws. The deposition of doctor Gary is a must. President Clinton Deposition was taken, and the CEO President of Ford Motor Company deposition was taken and the plaintiff does not see why Dr Gary is above the law and awarded extra protection of the laws. The ECFMG (all the defendants) were created to serve the plaintiff and the plaintiff does have the right to take whatever step necessary to ensure that such individuals are acting properly.
- 11- The plaintiff asserts that the court must protect the plaintiff from the corruption of the defendants. The defendants improperly use several hundred thousand of dollars in questionable conducts to buy court orders in their favor every year and this must stop.
- 12- The plaintiff will not stop challenging the defendants in court until the ECFMG return to abide by the rules of laws. The only determinant in avoiding courts are the defendants themselves.
- 13- The plaintiff standing in the case is already established. The defendants admit to be created for the service and welfare and assimilation and integration and excellence of the plaintiff into the US Healthcare. And because the defendants violated the US laws including the price fixing, the defendants caused direct harms to the plaintiff as a consumer, as a public and as a provider. Any infringement upon the plaintiff that result in new harm or aggravation of a preexisting condition constitute a new set for a new cause of action. The defendants cannot go on indefinitely buying court orders and judges by entering illegal and unconstitutional orders. The corruption must stop NOW.
- 14- The plaintiff can prove his emotional distress that occurred after July 1997. and anybody questioning such thing must subjected to similar hardships to see whether he or she will withstand such stress and unnecessary burden. No judge will withstand such gang rape without damages.
- 15- The plaintiff proficiency in English was proven several times the plaintiff passed the defendants tests and Toefl and despite the fact the plaintiff passed such test in 1997, the defendants never sent the revalidation sticker. And the plaintiff test validity never expire as the plaintiff does not need a visa for the US and he uses his previous scores to study in college and this court admitted to the plaintiff proficiency in English in the Case 3:98CV 1622-P when it refused to appoint him on such ground. The issue is the defendants practices to extort money as to force the plaintiff repeating things previously done Expost facto.
- 16- The plaintiff agree to have his deposition taken in the courtroom and in which the president of the defendant and the financial operation president be also included.

The plaintiff did not refuse to produce anything as the defendants claim in their status report.

- 17- The plaintiff filing of the previous lawsuit was within the statute of limitation for action and harm done July 1997 and it is aggravation of **preexisting condition**(further delay in the plaintiff integration into the US Healthcare system) and for which the plaintiff is entitled to reliefs in all forms because of the history and nature of actions and malice. The defendants do have **dark and dirty history** for which all form of reliefs(compensatory, punitive, retributive, equitable, exemplary and any other reliefs). The plaintiff is determined to put an end to abuse and corruption of the US Laws by the defendants.
- 18- The plaintiff requests that the defendants produce to the court and before the scheduled meeting the following items
 - Income Tax return for the years from 1993 to 2000 inclusive.
 - copies of all the ECFMG investments in stock, bonds, securities and others and financial status report for each year 1993 to 2000 inclusive.
 - Copies of the ECFMG information booklets and bulletins for the year 1983, and the period 1993-1997 and for the year 2001.
 - Copies of the ECFMG annual reports for the years 1993-2000.
 - Copies of the ECFMG initial application to the federal Government and the IRS to start operation.
 - Copies of the defendants legal expenses in the case 3:99CV 680-D/BC

The plaintiff asserts that upon the receipt of such documents. The plaintiff will demand further production of other elements that may be listed in the requested document(such names and address and photocopy of checkstubs and so on...)

 - copies and names and heading titles and cases number and court name and address of each litigation the defendants are(or were a party) during the last ten years, including the case 6-99-1676-24 in USDC Greenville, South Carolina.
 - Copies of Check stubs and detailed report of every legal expense during the years 1993-2001.
- 19- the plaintiff denies firmly all the defendants statement that are aimed at distorting his image to the court and the plaintiff asserts that he does have winning cases in both 3:99CV 680-D now on appeal and in this new case that must be consolidated. The charade and the cover ups must end.
- 20- The plaintiff did not fail to state a claim for which relief is granted. And the plaintiff simply did not state how much relief because the US Government does have a say in this(the US Government interest must be protected too).
- 21- This case is different from Simon v. eastern Ky 426 U.S. 26, 96 S.Ct 1917(1976). The defendants fraudulently acquire federal and state and public benefits under certain criteria, but the defendants are deliberately engaging in questionable conduct that violations of the laws become the norm and not the exception. The defendants were created exclusively to benefit and welfare the plaintiff. But the defendant is no longer what it claims to be for which the plaintiff is seeking reliefs in all forms.
- 22- the defendants admitted in their own words and statements to every element of every claim brought against them. The defendants statement such as publications,

- income tax filings, or agreements or contracts are admissible under the rules of evidences and they don't need authentications being in the possession of the defendants(original) or issued by the US Government.
- 23- The plaintiff denies in entirety that he filed to provide or proof anything.
- 24- This should serve also as a notice to the defendants(through their) to produce Dr Gary and the president of financial matters or operation in the ECFMG for deposition as scheduled by this court. The plaintiff is not afraid of evidences.
- 25- The plaintiff asserts that the case 3:99Cv 680-D was not for the delay in certification that occurs in 1990 but rather for actions that occurred for July 1997 and afterward for which the deposition of the defendants is a must.
- 26- The plaintiff further asserts that no judge of sound mind will render judgment that advocate the violation of the US supreme laws and the US Constituion. Judge Boyle admitted during the hearing on July 6th 2000 her uneasiness to have inherited the case , and Judge Boyle admitted that dr Gary is entitled (?)for Extra protection(Unequal) of the law simply because he is a CEO(violation of US Constitution). And Judge Boyle admitted in her opinion(that is unconstitutional and under the influence) that her opinion is simply because the plaintiff is a pro-se and she assumed that the plaintiff cannot prove his case. The plaintiff asserts he does have the evidences and he can prove all the claims and the plaintiff is challenging all parties to meet face to face to dispute the evidence in the matter.
- 27- the plaintiff asserts that there is no substitute for a hearing in the court room in which all the parties are present and in which all evidences presented and all question are challenged. The plaintiff does have a winning case 100%.
- 28- Wherefore premises considered, the plaintiff request that this court allow the plaintiff to answer out of time until after the conference settlement.**

Certificate of service and conference:

This is to certify that the plaintiff confer with the defendants attorney via e-mail on September 26 and 27, 2001 but no reply from the defendants. And that a copy of the foregoing has been sent via regular airmail USPS on the day as stamped by the clerk to the defendant attorney Mrs Susan Schwartz 6688 N. Central Expressway # 850, Dallas, Texas 75206-3913. in addition the plaintiff is asking all parties to include non certified mail in their service because of the delays(it took the plaintiff more than 14 days to receive the defendants filing of Status report.)

Dr Jamal Elhaj-Chehade(pro-se at this time) plaintiff IFP
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Dallas, Texas 75235

